

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: HOWLAND, Charles

Group Art Unit: 1774

Serial No. 10/021,851

Examiner: DIXON, Merrick L.

Filed: 12/13/2001

Dkt No: WM12-US

For: WEARABLE PROTECTIVE SYSTEM HAVING PROTECTIVE ELEMENTS

To: Mail Stop Petitions
U.S. Patent and Trademark Office
Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Fr:

24222

Dear Honorable Commissioner:

PETITION UNDER RULE 37 CFR §1.313

The Applicant respectfully requests that the above-identified patent application be withdrawn from issuance for the reasons set forth herein. Applicant also respectfully requests the Office to accept the Request for Continued Examination (RCE) filed concurrently with this Petition. Enclosed herein are the following:

- 1) 3 pages Petition to Withdraw from Issuance and statements with reasons why withdrawal of the application from issuance is necessary;
- 2) 3 pages Request for Continued Examination (RCE) PTO/SB/30 and RCE Transmittal;
- 3) 1 page Credit Card Payment Form PTO-2038, covering Petition fee & RCE fee;
- 4) 2 pages Information Disclosure Statement;
- 5) 2 pages Forms SB/08A, SB08B; and
- 6) Two (2) references.

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STATEMENTS

Pursuant to the guidelines of MPEP 1308 and in accordance with 37 CFR §1.313, Applicant requests permission to withdraw the referenced patent application from issuance after payment of the issue fee and consider the Request for Continued Examination (RCE) submitted herewith. The Issue Fee Transmittal (PTOL-85B) and Fee Address Form (PTO/SB/47) were submitted on June 14, 2004 and the Issue Notification indicates that the patent will issue March 1, 2005 unless withdrawn.

Applicant is Warwick Mills, Inc. being the assigned owner of the patent application. Applicant requests permission to withdraw the patent application from issuance under 37 CFR §1.313(c) pursuant to the Request for Continued Examination under 37 CFR §1.114 in order to have the Office consider three additional patents that the European Patent Office considers relevant to patentability as noted in the European Search Report as cited in the Information Disclosure Statement.

As noted in 37 CFR §1.56, the "public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability." Thus, the Applicant believes that this withdrawal and consideration of additional information is necessary to ensure the quality of the patent system and establishes good and sufficient reasons for the necessity of withdrawal of the application from issuance.

A concurrent RCE is being filed and additional information is submitted that the European Patent Office found 'particularly relevant if taken alone', and presumably may establish a prima facie case of unpatentability, thus requiring such consideration by the Office. The Information Disclosure Statement contains the EPO Search Report and three references for consideration.

This Petition is being hand-delivered to Customer Service Window as indicated in the Official Gazette notice and prompt processing is requested due to the imminent Issue date of March 1, 2005, for which withdrawal is requested.

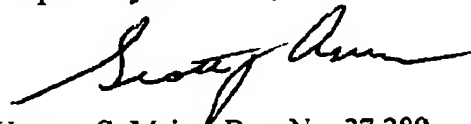
Applicant respectfully requests that the Office withdraws the application from issue. Applicant further requests that the Office consider the Request for Continued Examination (RCE) and grant such request once said application is withdrawn. A timely review and allowance is respectfully requested.

IN THE ALTERNATIVE, if the Office is unable to withdraw from issuance or the Petition is otherwise dismissed, the Applicant wishes to withdraw the RCE request.

Furthermore, if there are any questions, Applicant would greatly appreciate a telephone call to the noted attorney to facilitate processing and expedite the present request.

DEPOSIT ACCOUNT 500323 AUTHORIZATION - All necessary fees relating to the attached submittal, if any, are intended to be included. However, the Office is hereby authorized to charge any deficiency or credit any overpayment in the fees relating to the submittal to deposit account 500323, registered to Vernon C. Maine P.L.L.C., dba Maine & Asmus, contact telephone no. 603-886-6100.

Respectfully submitted,



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